

JAN 2 1990

89V-219

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. David C. Agee
Counsel
Neal, Newman, Bradshaw
and Freeman Law Offices
P.O. Box 10327
Springfield, MO 65808

NEF-111jdw
DaBryan

Dear Mr. Agee:

This acknowledges receipt of your Noncompliance Information Report submitted on behalf of your client, DaBryan Coach Builders, Inc. (DaBryan Coach) and in accordance with 49 CFR Part 573, "Defect and Noncompliance Reports." This report was dated November 16, 1989.

In order for us to efficiently track the performance of the DaBryan Coach remedial program for the diverse scope and application of the recalled vehicles, we have assigned seven safety recall campaign identification codes. This will require DaBryan Coach to provide quarterly report information on each of the seven recalls individually. However, notification to owners in accordance with 49 CFR Part 577, "Defect and Noncompliance Notification" can be accomplished by a single combined letter as was the original Noncompliance Information Report.

RECALL CAMPAIGN INFORMATION

1. NHTSA Recall Campaign ID Number: 89V-214
(Please refer to this number in all future correspondence.)

Number Being Recalled: 771 DaBryan 1986 through 1989 model limousines.

Subject: Certain of the limousines have window tinting which does not permit sufficient light transmission to allow proper photometric performance of the center high mounted stop lamp as required by Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, Reflective Devices, and Associated Equipment."

2. NHTSA Recall Campaign ID Number: 89V-215

(Please refer to this number in all future correspondence.)

Number Being Recalled: 1,393 DaBryan 1982 through 1989 model limousines.

Subject: Certain of the limousines have tire placards which do not have the appropriate tire size and inflation pressures for the higher front and rear GAWRs, the correct designated seating capacity, and revised vehicle capacity weight as required by FMVSS No. 110, "Tire Selection and Rims."

3. NHTSA Recall Campaign ID Number: 89V-216

(Please refer to this number in all future correspondence.)

Number Being Recalled: 89 DaBryan Coach 1982 model limousines.

Subject: Certain of the limousines do not have the appropriate safety belt assemblies required by FMVSS No. 208, "Occupant Crash Protection" for the two rear facing seats.

4. NHTSA Recall Campaign ID Number: 89V-217

(Please refer to this number in all future correspondence.)

Number Being Recalled: 1,335 DaBryan 1982 through 1989 model limousines.

Subject: Certain of the limousines have heavily tinted windows such that the light transmittance required by Federal Motor Vehicle Safety Standard No. 205, "Glazing Materials."

5. NHTSA Recall Campaign ID Number: 89V-218

(Please refer to this number in all future correspondence.)

Number Being Recalled: 1,393 DaBryan 1982 through 1989 model limousines.

Subject: Certain of the limousines do not have proper vehicle alterer's labels installed containing the necessary information regarding weights and vehicle classification as required by Federal Regulation 49 CFR Part 567, "Certification Regulation."

6. NHTSA Recall Campaign ID Number: 89V-219

(Please refer to this number in all future correspondence.)

Number Being Recalled: 11 DaBryan Coach altered 1986 and 1987 model Chrysler Corporation Jeep Wagoneer vehicles.

Subject: Certain of the altered Wagoneer vehicles do not comply with all the requirements of FMVSS No. 110 and Federal Regulation 49 CFR Part 567.

7. NHTSA Recall Campaign ID Number: 89V-220

(Please refer to this number in all future correspondence.)

Number Being Recalled: 5 DaBryan Coach altered 1989 model Ford Motor Company Bronco vehicles.

Subject: Certain of the altered Bronco vehicles have tire placards which do not have the appropriate tire size and inflation pressures for the higher front and rear GAWRs, the correct designated seating capacity, and revised vehicle capacity weight as required by FMVSS No. 110, "Tire Selection and Rims."

The following information pertains to all the safety recalls:

NOTIFICATION TO PURCHASERS

This office reviews all documents concerning a safety recall campaign. The notification letter to purchasers of all recalled vehicles or items of motor vehicle equipment is required by Part 577. The requirements of section 577.5 must be adhered to, with particular attention given to the language stipulated in section 577.5(b) and (c). The sentence referred to in section 577.5(b) must be repeated verbatim in the opening of the notification letter.

Section 577.5(c) requires that the manufacturer who has determined a safety defect/noncompliance exists in his vehicles or item of equipment must state that the defect or noncompliance does exist in his vehicles or items of vehicle equipment specifically using one of the two sentences provided in section 577.5(c) as appropriate. You cannot state that the defect or noncompliance "may" exist (or use any other similar word such as could, might, can, etc.). The word "may" implies that the defect may not exist on any of the vehicles and is considered to be a disclaimer specifically prohibited by Part 577.8(a).

Telephone Numbers for the Auto Safety Hotline:

The telephone number for the Auto Safety Hotline must be given as required by section 577.5(g)(1)(vii). The correct telephone numbers for the Hotline are: (800) 424-9393 Nationally, and 366-0123 for Washington, DC residents. The Washington, DC number has recently been changed to that listed above. This new number should be used in the notification for these recalls and any future safety recall notification.

QUARTERLY STATUS REPORTS

The first quarterly status report for each campaign, as required in section 573.6, is required to be submitted within 25 working days after the close of the calendar quarter in which owner notification begins. For instance, the current calendar quarter ends on March 31, 1990, and the first quarterly report for recalls where owner notification begins in this quarter is due by May 4, 1990. Quarterly reports are due for the first 6 consecutive quarters unless the corrective action has been completed on all defective/noncomplying vehicles or items of equipment involved in the campaign, whichever occurs first. Each report is due within 25 working days after the close of the respective quarter.

Quarterly Report Guide

For your assistance, we have enclosed a copy of a quarterly report guide which may be used by DaBryan Coach in developing its quarterly reports for submission to the agency, updated at the end of each calendar quarter.

If you have any questions or wish to discuss this matter, please contact Mr. Jon White, Chief, Technical Analysis Branch, at (202) 366-5227.

Please inform this office when owner notification begins, and furnish a copy of the notification documents in accordance with Part 577.

Sincerely,



Michael B. Brownlee, Director
Office of Defects Investigation
Enforcement

Enclosure:
Quarterly Report Guide

NHTSA:NEF:ODI
JWHITE:kjs:65227:12-28-89
cc:NEF-01;NEF-10
NEF-11 Subject/Chron/Murlanka
Document 11321

W. Freeman

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JEAN PAUL BRADSHAW (1988-1990)
PAUL L. BRADSHAW (1990-1988)

FLAVIUS B. FREEMAN (RETIRED)

OF COUNSEL
JAMES R. DORAN, PC

November 16, 1989

Associate Administrator for Enforcement
National Highway Traffic Safety
Administration
Washington, D.C. 20590

Re: DaBryan Coach Builders, Inc.

Dear Sir/Madam:

As legal counsel for DaBryan Coach Builders, Inc. ("DaBryan"), and based upon information provided by our client, we are providing you this report of DaBryan pursuant to Part 573 of the NHTSA Regulations. The numbered paragraphs below correspond to those found in Part 573.5(c).

1. DaBryan Coach Builders, Inc.
601 E. Trafficway
Springfield, MO 65806
2. The motor vehicles which may be in noncompliance with the indicated safety standards are set forth in Schedules A-1 through A-8 attached hereto.
3. The total number of motor vehicles which may be in noncompliance with the respective safety standards are set forth in Schedules A-1 through A-8 attached hereto.
4. It is estimated that 100% of the motor vehicles in each designated category may be in noncompliance with the respective safety standards.
5. For each safety standard for which the indicated motor vehicles may not be in compliance, the following information is provided:

in FMVSS 108 - DaBryan has determined that the motor vehicles indicated as not being in compliance with this standard may require removal of window tinting applied to the rear window, which window tinting may not permit sufficient light transmission to allow proper photometric performance of the center highmounted stop lamp. DaBryan is unsure whether such window tinting is not in compliance with FMVSS 108, but as a precautionary measure has indicated such a determination.

(b) FMVSS 110 - DaBryan has determined that the motor vehicles indicated as not being in compliance with this standard may not have had installed a new placard reflecting the appropriate tire size and inflation pressures for the higher front and rear GAWRs, the correct designated seating capacity (total occupants and occupants for each seat location, i.e., three front, three m.d. three rear), and revised vehicle capacity weight (seating capacity times 150 pounds plus cargo).

(c) FMVSS 208 - DaBryan has determined that the motor vehicles indicated as not being in compliance with this standard for model year 1982 may have been produced without installation of appropriate seat belts and seat belt assemblies for the two seating positions contained in the additional rear facing seat.

(d) Regulation 567 - DaBryan has determined that motor vehicles indicated as not being in compliance with this regulation may not have had proper alterer's labels installed containing the necessary information regarding weights (GBWR, GAWRs) and vehicle classification.

(e) FMVSS 205 - DaBryan has determined that motor vehicles indicated as not being in compliance with this standard may have been produced with heavily tinted windows (excluding those in the driver's compartment) so as not to be in compliance with the light transmittance requirements of FMVSS 205. DaBryan is unsure whether such window tinting is not in compliance with FMVSS 205, but as a precautionary measure has indicated such a determination.

6. DaBryan became aware of the facts and regulations necessary to determine the existence of these defects through inquiries of NHTSA (commencing in 1988) and subsequent industry awareness and communication.

7. See response to paragraph 6, above, and prior responses to the indicated NHTSA inquiries regarding the Federal Motor Vehicle Safety Standard with which noncompliance is determined.

8. In order to remedy the respective noncompliances, and without charge to the customer, DaBryan will for each noncompliance provide the following:

(a) FMVSS 108 - Upon return of the motor vehicle to DaBryan's facility, or to a pre-authorized repair facility in the customer's geographical area, if any, DaBryan will or such authorized facility will remove all window tinting not in compliance with FMVSS 205 and, therefore, FMVSS 108.

(b) FMVSS 110 - DaBryan will cause to be mailed to each known customer address per each motor vehicle not in compliance with this standard, a placard reflecting the proper information required for each such vehicle pursuant to FMVSS 110. Installation instructions will be provided with each placard.

(c) FMVSS 208 - Upon return of each indicated motor vehicle to DaBryan's facilities, DaBryan will cause to be installed appropriate seat belts and seat belt assemblies in each rear facing seat as required by FMVSS 208, and, as applicable, FMVSS 209 and FMVSS 210. Upon request of the customer, DaBryan

DATE: 11-14-89

LIMOUSINES MANUFACTURED ()/ALTERED (X) BY:

DePryon Coach Builders, Inc.

MODEL YEAR OF ORIGINAL VEHICLES: 1986

[illegible]

REMARKS:

Note: To extent 108 not applicable to model year 1986, non-compliance determination will be revoked.

REMARKS:

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OF COUNSEL -
JAMES R. GORAN, PE

November 16, 1989

Associate Administrator for Enforcement
National Highway Traffic Safety
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Washington, D.C. 20590

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(a) FMVSS 108 - DaBryan has determined that the motor vehicles indicated as not being in compliance with this standard may require removal of window tinting applied to the rear window, which window tinting may not permit sufficient light transmission to allow proper photometric performance of the center highmounted stop lamp. DaBryan is unsure whether such window tinting is not in compliance with FMVSS 108, but as a precautionary measure has indicated such a determination.

(b) FMVSS 110 - DaBryan has determined that the motor vehicles indicated as not being in compliance with this standard may not have had installed a new placard reflecting the appropriate tire size and inflation pressures for the higher front and rear GAWRs, the correct designated seating capacity (total occupants and occupants for each seat location, i.e., three front, three mid, three rear), and revised vehicle capacity weight (seating capacity times 150 pounds plus cargo).

(c) FMVSS 208 - DaBryan has determined that the motor vehicles indicated as not being in compliance with this standard for model year 1982 may have been produced without installation of appropriate seat belts and seat belt assemblies for the two seating positions contained in the additional rear facing seat.

(d) Regulation 567 - DaBryan has determined that motor vehicles indicated as not being in compliance with this regulation may not have had proper alterer's labels installed containing the necessary information regarding weights (GBWR, GAWRs) and vehicle classification.

(e) FMVSS 205 - DaBryan has determined that motor vehicles indicated as not being in compliance with this standard may have been produced with heavily tinted windows (excluding those in the driver's compartment) so as not to be in compliance with the light transmittance requirements of FMVSS 205. DaBryan is unsure whether such window tinting is not in compliance with FMVSS 205, but as a precautionary measure has indicated such a determination.

6. DaBryan became aware of the facts and regulations necessary to determine the existence of these defects through inquiries of NHTSA (commencing in 1988) and subsequent industry awareness and communication.

7. See response to paragraph 6, above, and prior responses to the indicated NHTSA inquiries regarding the Federal Motor Vehicle Safety Standard with which noncompliance is determined.

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(c) FMVSS 208 - Upon return of each indicated motor vehicle to DaBryan's facilities, DaBryan will cause to be installed appropriate seat belts and seat belt assemblies in each rear facing seat as required by FMVSS 208, and, as applicable, FMVSS 209 and FMVSS 210. Upon request of the customer, DaBryan

DATE: 11-14-83

LIMOUSINES MANUFACTURED ()/ALTERED () BY:

Earlvan Coach Builders, Inc.

MODEL YEAR OF ORIGINAL VEHICLES: 1986

[illegible]

REMARKS:

Notes: To extent 108 not applicable to model year 1986, non-compliance determination will be revoked.

U-Y-22. (1)

DATE: 11-14-80

LIMOUSINES MANUFACTURED ()/ALTERED (x) BY:

DaBryan Coach Builders, Inc.

MODEL YEAR OF ORIGINAL VEHICLES: 1987

[illegible]

REMARKS: